

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

In re:

CHAPTER 11
Case No.

MARY MATILDA BOCKES
Debtor

93-60889KW

AG SERVICES OF AMERICA
Plaintiff

v.

FARMLAND FINANCIAL SERVICES
COMPANY, et al
Defendant

Adversary Proceeding No.
93-6137KW

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA
APR 18 1994
BARBARA A. EVERLY, CLERK

JUDGMENT

This proceeding having come on for trial or hearing before the court, the Honorable Paul J. Kilburg, United States Bankruptcy Judge, presiding, and the issues having been duly tried or heard and a decision having been rendered,

IT IS ORDERED AND ADJUDGED: Under Fed.R.Bankr.Proc. 7037, sanctions are imposed in favor of Farmland Financial Services and against Defendant Mary Bockes in the amount of \$250.00 as attorney's fees. FURTHER these fees shall be payable by Mary Bockes to Farmland Financial Services to be applied toward attorney's fees incurred in this discovery request.



[Seal of the U.S. Bankruptcy Court]
Date of Issuance: April 18, 1994

BARBARA A. EVERLY
Clerk of Bankruptcy Court

By: *Michael A. Goley*
Deputy Clerk

Recorded Vol III
Page 213

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

APR 18 1994

IN RE:)	
MARY MATILDA BOCKES)	Chapter 11 BARBARA A. EVERLY, CLERK
Debtor(s).)	
-----)	Bankruptcy No. 93-60889KW
AG SERVICES OF AMERICA, INC.)	
Plaintiff(s))	Adversary No. 93-6137KW
vs.)	
FARMLAND FINANCIAL SERVICES)	
COMPANY, et al)	
Defendant(s))	

ORDER RE: MOTION FOR SANCTIONS

On April 15, 1994, the above-captioned matter came on for hearing on a Motion for Sanctions filed by Defendant and Movant Farmland Financial Services against Co-Defendant Mary Bockes. Hearing was held by telephone conference call. Appearing for Plaintiff Ag Services of America was Attorney Eric Lam. Representing Defendant and Movant Farmland Financial Services was Attorney Rod Kubat. Representing Defendant Mary Bockes was Attorney Robert Hanson standing in for Attorney Tom Hanson.

The Motion for Sanctions was filed under Fed.R.Bankr.P. 7037 seeking sanctions against Defendant Mary Bockes for failure to produce documents in a timely manner pursuant to the Rules of Bankruptcy Procedure.

Pursuant to the record made, the file reflects that a Motion for Production and Interrogatories were served upon Defendant Mary Bockes in September of 1993. Apparently, the matters sought are now provided and Defendant Mary Bockes is in compliance, though some of the material sought were still outstanding as of April 1, 1994. Movant Farmland Financial seeks financial sanctions for approximately 5.5 hours of time at an hourly rate of \$135 per hour. All of this time, pursuant to the Affidavit, relates to this discovery and sanction motion.

The Court has examined the file and has considered the respective motions and responsive pleadings as well as the statements of counsel made at hearing. The Court recognizes that certain of these documents are difficult to procure and that a period of time longer than that ordinarily provided by the Rules of Procedure are sometimes necessary in order to

supply a complete and full response to a Motion to Produce or answers to interrogatories. However, at the same time, the discovery in this instance was first sought in September and compliance was not made until approximately the middle of April. Conservatively, this is a period somewhat in excess of six months. The information appears relevant and necessary to completion of discovery in this adversary proceeding. As such, the Court determines, as an ultimate conclusion, that the delay was extraordinary and that limited and reasonable sanctions should be imposed because of the necessity of Farmland Financial bringing a Motion to Compel Discovery and a Motion for Sanctions.

WHEREFORE, under Fed.R.Bankr.Proc. 7037, sanctions are imposed in favor of Farmland Financial Services and against Defendant Mary Bockes in the amount of \$250 as attorney's fees.

FURTHER, these fees shall be payable by Mary Bockes to Farmland Financial Services to be applied toward attorney's fees incurred in this discovery request.

SO ORDERED this 18 day of April, 1994.


PAUL J. KILBURG, Judge
U.S. Bankruptcy Court

Notice sent to: *W/Needy meat*

Eric W. Lam
2720 First Avenue NE
PO Box 1943
Cedar Rapids, IA 52406

Rodney Kubat
317-6th Ave., Suite 1200
Des Moines, IA 50309-4110

H. Raymond Terpstra II
830 Higley Building
Cedar Rapids, IA 52401

Donald F. Neiman
801 Grand Avenue, Suite 3700
Des Moines, IA 50309-2727

Larry P. Spaulding
801 Grand Avenue
Suite 3700
Des Moines, IA 50309-2727

Thomas D. Hanson
1300 Des Moines Bldg.
Des Moines, IA 50309

US Trustee - CR
675 The Center, Box 47
425 Second Street SE
Cedar Rapids, IA 52401

4-19-94
mg